



General Assembly

***Substitute Bill No. 7164***

*January Session, 2007*

\* \_\_\_\_\_HB07164PS\_\_\_\_\_030707\_\_\_\_\_\*

***AN ACT CONCERNING SEIZED CURRENCY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Subsection (b) of section 54-36a of the general statutes is  
2       repealed and the following is substituted in lieu thereof (*Effective*  
3       *October 1, 2007*):

4       (b) (1) Whenever property is seized in connection with a criminal  
5       arrest or seized pursuant to a search warrant without an arrest, the law  
6       enforcement agency seizing such property shall file, on forms  
7       provided for this purpose by the Office of the Chief Court  
8       Administrator, an inventory of the property seized. The inventory,  
9       together with the uniform arrest report, in the case of an arrest, shall be  
10      filed with the clerk of the court for the geographical area in which the  
11      criminal offense is alleged to have been committed; except, when the  
12      property is stolen property and, in the opinion of the law enforcement  
13      officer, does not exceed two hundred fifty dollars in value, or when an  
14      attempt was made to steal the property but the property at all times  
15      remained on the premises in a sealed container, the filing of an  
16      inventory shall not be required and such property may be returned to  
17      the owner. In the case of property seized in connection with a search  
18      warrant without an arrest, the inventory shall be attached to the  
19      warrant and shall be filed with the clerk of the court for the  
20      geographical area in which the search warrant was issued. If any

21 criminal proceeding is transferred to another court location, then the  
22 clerk with whom the inventory is filed shall transfer such inventory to  
23 the clerk of the court location to which such action is transferred.

24 (2) If the seized property is stolen property, within ten days of the  
25 seizure, the law enforcement agency seizing the property shall notify  
26 the owner of the property if known, or, if the owner of the property is  
27 unknown at the time of seizure, such agency shall within ten days of  
28 any subsequent ascertainment of the owner notify such owner, and, on  
29 a form prescribed by the Office of the Chief Court Administrator,  
30 advise the owner of such owner's rights concerning the property and  
31 the location of the property. Such written notice shall include a request  
32 form for the return of the property. The owner may request the return  
33 of the property by filing such request form with such law enforcement  
34 agency, and upon receipt of such request, the law enforcement agency  
35 shall forward it to the clerk of the court for the geographical area in  
36 which the criminal offense is alleged to have been committed. The  
37 clerk of the court shall notify the defendant or defendants of the  
38 request to return the property. The court shall order the return of the  
39 property within thirty days of the date of filing such return request by  
40 the owner, except that for good cause shown, the court may order  
41 retention of the property for a period to be determined by the court.  
42 Any secondary evidence of the identity, description or value of such  
43 property shall be admissible in evidence against such defendant in the  
44 trial of such case. The fact that the evidence is secondary in nature may  
45 be shown to affect the weight of such evidence, but not to affect its  
46 admissibility. If the stolen property is a motor vehicle, a photograph of  
47 the motor vehicle and a sworn affidavit attesting to the vehicle  
48 identification number of such motor vehicle shall be sufficient  
49 evidence of the identity of the motor vehicle. For the purposes of this  
50 subdivision, "motor vehicle" means a passenger or commercial motor  
51 vehicle or a motorcycle, as defined in section 14-1, and includes  
52 construction equipment, agricultural tractors and farm implements.

53 (3) (A) If the seized property is currency and is stolen property, the

54 law enforcement agency seizing the currency shall follow the  
55 procedures set forth in subdivision (2) of this subsection.

56 (B) If the seized property is currency and is not stolen property, the  
57 law enforcement agency seizing the currency shall, [within] not later  
58 than ten days [of] after such seizure, notify the defendant or  
59 defendants, if such currency was seized in connection with a criminal  
60 arrest, or the person or persons having a possessory interest in the  
61 premises from which such currency was seized, if such currency was  
62 seized pursuant to a search warrant without an arrest, that such  
63 defendant or person has the right to a hearing before the Superior  
64 Court on the disposition of the currency. Such defendant or person  
65 may, not later than thirty days after receiving such notice, request a  
66 hearing before the Superior Court [. The court may, after any such  
67 hearing, order that the law enforcement agency, after taking  
68 reasonable measures to preserve the evidentiary value of the currency,  
69 deposit the currency in a deposit account in the name of the law  
70 enforcement agency as custodian for evidentiary funds at a financial  
71 institution in this state or order, for good cause shown, that the  
72 currency be retained for a period to be determined by the court. If such  
73 defendant or person does not request a hearing,] and file a motion for  
74 the return of the seized currency or a motion for the retention of the  
75 seized currency. Where a motion has been filed, the law enforcement  
76 agency shall retain the currency, pending an order of the court to  
77 retain or return the seized currency. At any time after seizure the law  
78 enforcement agency may, after taking reasonable measures to preserve  
79 the evidentiary value of the currency, deposit the currency in a deposit  
80 account in the name of the law enforcement agency as custodian for  
81 evidentiary funds at a financial institution in this state.

82 (C) If the currency is deposited in a deposit account at a financial  
83 institution in this state pursuant to subparagraph (B) of this  
84 subdivision, the financial institution at which such deposit account is  
85 established shall not be required to segregate the currency deposited in  
86 such deposit account. No funds may be withdrawn from such deposit

87 account except pursuant to a court order. [directed to the financial  
88 institution. Any withdrawal of funds from such deposit account shall  
89 be in the form of a check issued by the financial institution to the law  
90 enforcement agency or to such other payee as the court may order] The  
91 financial institution shall not be liable in any controversy arising over  
92 the deposit or withdrawal of the funds. Nothing in this subdivision  
93 shall prohibit a financial institution from charging a fee for the  
94 maintenance and administration of such deposit account and for the  
95 review of the court order.

96 (D) If the currency is deposited in a deposit account at a financial  
97 institution in this state pursuant to subparagraph (B) of this  
98 subdivision, any secondary evidence of the identity, description or  
99 value of such currency shall be admissible in evidence against a  
100 defendant in the trial of a criminal offense. The fact that the evidence is  
101 secondary in nature may be shown to affect the weight of such  
102 evidence, but not to affect its admissibility.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	54-36a(b)

**PS**            *Joint Favorable Subst.*